

RECORD OF COMMUNICATION

Subject: Proposed general NPDES permit No. CAG280000 for discharges from offshore oil and gas exploration, development, and production facilities located in Federal waters off the coast of Southern California and provisions regarding well treatment fluids

Date: December 16, 2013

Participants from the U.S. EPA, Region 9: Smith Smith, manager, NPDES permit office; Sablad Sablad, acting manager NPDES permit office

Participant from the California Coastal Commission: Allison Dettmer, manager

Sablاد and Smith called Dettmer of the California Coastal Commission (CCC) to discuss the status of the CCC staff review of Region 9's proposed revisions to the permit language addressing well treatment fluids for Region 9's general NPDES permit No. CAG280000 for offshore oil and gas facilities. We had provided the revised language in a letter to the CCC staff dated December 9, 2013.

Dettmer stated that staff would not be able to provide specific feedback on the latest language revisions until sometime in the new year, as the Director is out of the office. Dettmer stated she believes the CCC concurrence issued in June 2013 is still in effect and not on hold, and she understands EPA may need to proceed with permit issuance now. She stated that she does not intend to stand in the way of permit action at this time, although she expects the Commission may want to revisit the concurrence based on what they hear at the February briefing and in follow-up actions. Dettmer indicated she understood that in line with their formal concurrence, EPA could issue the permit without the new language. Dettmer also stated that staff preferred the prior revised language but have not concluded the latest revised language is unacceptable; moreover, she indicated the Commission might seek even more than the prior revised permit language required if they reopen the concurrence process.

Smith explained to Dettmer that our Clean Water Act authorities to require reporting of information not specifically related to discharges are limited and Dettmer agreed it might make more sense for CCC to work with DOI to obtain more information about fracking activity that may not be related to wastewater discharges. Smith indicated our willingness to participate in those discussions with the Commission next year, but also explained why we are interested in proceeding with the permit now, with the new language included, so we can begin to have the permittees collect the required information.

In a follow-up call between Sablad and Dettmer, which occurred directly after this call, Dettmer stated that the Commission may want to revisit the concurrence regardless of whether or not we issue the permit at this time.